

Notice of Allowability

Application No.

10/517,909

Applicant(s)

BARTH ET AL.

Examiner

Meghan Finn

Art Unit

4133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 28, 2007.
2. ☒ The allowed claim(s) is/are 13-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 04/13/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

Applicant's reply received on September 28, 2007 has been entered and arguments were found to be persuasive. The restriction requirement mailed on August 29, 2007 has been withdrawn and claims 13-34 were examined on the merits.

On page 1 of 2 of 1449 form submitted April 13, 2005, references 2 and 3 (Wagner et al. and Veigt et al.) are not in English and an English abstract was not provided. Thus those references were entered but not considered.

Authorization for this examiner's amendment was given in a telephone interview with Wendy Choi on November 13th, 2007 at 11:30am (EST).

The application has been amended as follows:

In the title:

(1) Please replace "Novel Arylsulphonamide derivatives and use thereof as therapeutic agents" with ---Novel Arylsulphonamide derivatives and methods of preparing---.

In the claims:

(2) Claim 34 is cancelled.

(3) In claim 13, after the phrase "wherein: R₁ is aromatic group, where said" please delete "aryl" and insert therefor ---aromatic ---.

(4) In claim 32, after the phrase "a method of preparing the compounds of", please delete "claim 1" and insert therefor ---claim 13---.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The compounds of formula I (claim 13) are free of the art. The closest art found was Ferrari et al. (US Patent 6,015, 812, already of record) and Barth et al. (US 2004/0063725 A1). In Barth et al., N-(phenylsulphonyl)glycyl-glycine compounds are taught which differ from applicant's formula I in that interruption of alkylene of group Y with a nitrogen rather than an oxygen. Therefore, the instantly claimed invention is novel and unobvious over the prior art of record.

Ferrari et al. teaches N-(arylsulphonyl)amino acid derivatives which different in structure from applicant in that presence of a extra phenyl group, extra chain CH₂s between the nitrogen and the substituted aromatic, and the addition of a CONR₄R₅ group which adds extra reactivity. Given the structural differences between Ferrari et al. and applicant's formula I, the compounds in this application would not be obvious over those taught in Ferrari et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

For these reasons stated *supra*, the composition and method of making claims 13-33 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan Finn whose telephone number is (571) 270-3281. The examiner can normally be reached on 8:30am-6pm Mon-Thu, 8:30am-5pm Friday (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meghan Finn


ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER